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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,379	06/02/2006	Andrew Richardson	17178.012	3882
34313 7590 02/06/2009 ORRICK, HERRINGTON & SUTCLIFFE, LLP IP PROSECUTION DEPARTMENT 4 PARK PLAZA SUITE 1600 IRVINE, CA 92614-2558				
EXAMINER ANDLER, MICHAEL S				
ART UNIT 2876		PAPER NUMBER		
MAIL DATE 02/06/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/581,379

**Applicant(s)**

RICHARDSON, ANDREW

**Examiner**

Michael Andler

**Art Unit**

2876

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/ISD/IC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 2 June 2006, 18 September 2006

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

a) Claims **1-6, 8-9, 14, 18-23, 25-26, 31-37, 39-40, and 45**, drawn to an apparatus and related method claims **15, 17, 46 and 48** are rejected under 35 U.S.C. 102(e) as being anticipated by Barkan et al. (US 6,578,767).

Regarding claims **1-6, 8-9, 14-15, 17, 18-23, 25-26, 31-37, 39-40, 45-46 and 48**, Barkan et al. discloses comprising:

light source means (Fig 2b, item 24: *LED*), light detector means (Fig 2b, item 25: *photodiode*) and an elongate light transmissive opening arranged for being brought into proximity with a bar code for scanning thereof (Fig 2b, item 26: *aperture*), the light source means being configured for directing a beam through said opening and the light detector means being configured for detecting light from said beam reflected back through the opening wherein said opening comprises a slit formed in a metallic element (Fig 3 and Col 4, lines 52-57); wherein the light source means is configured for directing said beam through the slit such that the beam path through the slit lies in a plane substantially aligned with the slit (Fig 3 and Col 4, lines 52-57; wherein the light source

means is configured to direct light obliquely through the slit (Fig 3 and Col 4, lines 52-57; wherein the light detector means is configured for sensing reflections of said beam following a path through the slit that lies in a plane substantially aligned with the slit (Fig 3 and Col 4, lines 52-57; wherein the light detector means is directional and arranged such that it is directed along a line substantially normal to the slit (Fig 3 and Col 4, lines 52-57; wherein the light source is an infrared LED (Fig 2b, item 24: *LED*); including a panel by which a sheet can be passed, the panel having an aperture through which the slit is exposed (Fig 2b, item 21b: *bottom housing*); including a member having a dished portion (Fig 5b), wherein the slit is formed in an opaque element which is accommodated in said dished portion and the dished portion is received in said aperture (Fig 5b, item 59a: *foot*); a sheet validator including a sheet path (See Fig 6b, item 600: *surface* and Col 2, lines 55-62 where a sheet validator can be considered to be the part of the bar code scanner which decodes (validates) the bar code) along which a sheet to be validated is passed and a bar code scanner (Fig 2b, item 20: *bar scanning device*), according to any preceding claim, located for scanning a bar code on a sheet passing along the sheet path;

wherein the width of the slit is in the range 0.2mm to 0.4mm, wherein the width of the slit is 0.3mm, wherein the separation of the openings of the slit is in the range 0.05 to 0.1 mm, wherein the separation of the openings of the slit is 0.075mm (Col 5, lines 12-14).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a) Claims **7, 16, 24, 38 and 47** are rejected under 35 U.S.C. 103(a) as being unpatentable over Barkan et al. (US 6,578,767) in view of Worthington et al. (US 5,451,735).

Regarding claims **7, 16, 24, 38, and 47**, Barkan et al. discloses wherein the element is formed from a black plastic (Col 4, lines 54-56).

Balkan et al. suggests that other types of material may be used for the housing (Col 6, line 54).

Balkan et al. does not specifically teach that the housing element and slot is formed from stainless steel.

Worthington et al. discloses wherein the housing element and slot is formed from stainless steel (Col 2, lines 52-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use stainless steel for a housing of a handheld barcode scanner, due to the "cost savings, durability and ease of manufacturing" (Worthington et al., Col 7, line 13).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Andler whose telephone number is (571) 270-5385. The examiner can normally be reached on Monday-Friday 7:30 AM to 3:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Andler/  
Examiner, Art Unit 2876

/Michael G Lee/  
Supervisory Patent Examiner, Art Unit 2876